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Cc: Foresman, Erin[Foresman.Erin@epa.gov]; Skophammer, Stephanie[SKOPHAMMER.STEPHANIE@EPA.GOV]; Goforth, Kathleen[Goforth.Kathleen@epa.gov]
From: Hagler, Tom
Sent: Thur 3/12/2015 10:57:36 PM
Subject: Re: NEPA/404 MOU for Transportation Projects could be a template for the interagency permitting of the BDCP

I would like to remind everyone that we went down this road before.

We already have a near final NEPA/404 MOU for the BDCP, which was based on the HSR MOU. This got to the signature version when DWR decided on doing something different.

The Corps may also need to weigh in, since they are kind of an indispensable party.

I'd be happy to pull that up when I get to the office tomorrow, or Erin may have it. But all agencies may want to review the transactions from 2011-2012 and see what has changed from that point.

No use reinventing the wheel, but that wheel kind of went off the track.

From: Vendlinski, Tim
Sent: Thursday, March 12, 2015 10:46 AM
To: Bogdan, Kenneth M.@DWR; Enos, Cassandra@DWR (Cassandra.Enos@water.ca.gov)
Cc: Foresman, Erin; Skophammer, Stephanie; Goforth, Kathleen; Hagler, Tom
Subject: NEPA/404 MOU for Transportation Projects could be a template for the interagency permitting of the BDCP

Ken and Cassandra:

We really appreciate the time you took this morning to discuss the new approach.

There could still be great value to your project if you took advantage of the permitting mechanisms galvanized by the agencies for permitting large transportation projects.

http://www.dot.ca.gov/ser/downloads/MOUs/NEPA404/nepa404_2006_final_mou.pdf

As I noted during the call, there will be some “apples and oranges” in adapting this MOU for transportation infrastructure to water infrastructure, but interagency regulators might welcome the chance to work with you through this process.

Currently, the need to fix the structural weaknesses in the way the Purpose & Need and Range of Alternatives are formulated for your project looms as unfinished business that needs to be done (for legal defensibility).

While it's relatively late in the life of your project planning, your new approach gives you a chance to make an important mid-course correction by adopting a merged NEPA/404 process.

This could put your project on parallel and inter-connected tracks for compliance with NEPA and CWA 404 rather than on the diverging tracks that might prove costly in the long-run.

Yours, Tim

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